

REMARKS

The specification is amended at paragraph [0080] (page 24) and at the header for Table 1 (page 26).

The title on the Abstract (page 36) is amended to conform with the title on page 1 of the specification as-filed.

Claims 1-4, 6-10 and 12-14 are pending.

Claims 5 and 11 are cancelled.

Claim 1 is amended. Support for the amendment is found at previous Claim 5, and at paragraph [0008] of the specification as-filed.

Claims 2 and 4 are amended to maintain proper antecedent basis in light of the amendment to Claim 1.

Claim 8 is amended. Support for the amendment is found at previous Claim 11, and at paragraph [0010] of the specification as-filed.

Claims 9 and 10 are amended to maintain proper antecedent basis in light of the amendment to Claim 8.

Claims 4 and 10 are further amended to encompass SEQ ID NO: 2 and not SEQ ID NO: 4.

Claims 6 and 12 are amended to eliminate "a peptide mimetic of an antibody."

Applicants believe that no new matter is added by way of amendment.

I. Objections to the Specification.

The Examiner objected to Applicants' use of trademarks at paragraph [0080] (page 24) and in the heading to Table 1 (page 26). Since the relevant trademarks are capitalized and accompanied by the appropriate designation (@ or TM),¹ Applicants interpret the objection as a request for the addition of generic language to accompany the trademarks, and have accordingly amended the relevant passages to include such generic terminology. In view of the foregoing amendments, Applicants respectfully request withdrawal of the objections to the Specification.

¹ Applicants have found that "Vector NT" is in fact not a federally registered trademark, but is instead a common law trademark. As such the specification has been amended to replace the @ symbol with the TM symbol. Generic terminology is also added.

II. Objection to the Claims.

The Examiner objected to the Claims 4 and 10 for encompassing non-elected subject matter (SEQ ID NO: 4). In light of Examiner having made the previous restriction requirement final despite Applicants' traversal, Claims 4 and 10 have been amended to refer only to SEQ ID NO: 2.

In view of the foregoing amendments, Applicants respectfully request withdrawal of the objection to Claims 4 and 10.

III. Rejection under 35 U.S.C. § 112, Second Paragraph.

The Examiner rejected Claims 4-6 and 10-12 under 35 U.S.C. §112, second paragraph, as indefinite for use of the phrase "a polypeptide of p19 (SEQ ID NO: 2)." Claims 4 and 10 have been amended to recite "the polypeptide of SEQ ID NO: 2," as suggested by the Examiner.

In view of the foregoing amendments, Applicants request that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

IV. Rejections under 35 U.S.C. § 112, First Paragraph, Written Description.

The Examiner rejected Claims 1-4, 6-10 and 12-14 under 35 U.S.C. §112, first paragraph, for lack of written description support for the claim terms "an antagonist of IL-23," "a binding composition," and "a peptide mimetic of an antibody." Claims 1 and 8 have been amended to recite "a binding composition comprising an antigen-binding site of an antibody to p19." The claims as amended no longer recite "an antagonist of IL-23," and the term "binding composition" is found only in the phrase "a binding composition comprising an antigen-binding site of an antibody to p19" (and in dependent claims).

In addition, Claims 6 and 12 have been amended to delete "a peptide mimetic of an antibody."

In view of the foregoing amendments, Applicants request that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

V. Rejection under 35 U.S.C. §102(e).

The Examiner rejected Claims 1, 2, 7-9, 13 and 14 under 35 U.S.C. §102(e) as anticipated by Carton et al., US 2003/0157105. As discussed above with reference to the written description rejection, Claims 1 and 8 (and thus all dependent claims) have been amended to recite "a binding composition comprising an antigen-binding site of an antibody to p19." The claims as amended are not anticipated by Carton et al., which discloses antibodies to p40 but not antibodies to p19.

In view of the foregoing amendments, Applicants request that the rejection under 35 U.S.C. §102(e) be withdrawn.

Conclusion

Applicants' current response is believed to be a complete reply to all the outstanding issues of the latest Office action. Further, the present response is a bona fide effort to place the application in condition for allowance or in better form for appeal. Accordingly, Applicants respectfully request reconsideration and passage of the amended claims to allowance at the earliest possible convenience.

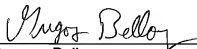
Applicant believes that no additional fees are due with this communication. Should this not be the case, the Commissioner is hereby authorized to debit any charges or refund any overpayments to DNAX Deposit Account No. 04-1239.

If the Examiner believes that a telephonic conference would aid the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,

Date: December 1, 2006

By: _____


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